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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,968	10/18/1999	SANDIP SARKAR	PA990566	2151
23696	7590	12/01/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			SONG, HOSUK	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/419,968

Applicant(s)

SARKAR, SANDIP

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/3/2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill(US 4,658,436) in view of Smeets(US 6,339,645).

Claim 6: Hill patent disclose a random number selector subsystem for generating random numbers from adjusted data bits of a Receive Automatic Gain Control circuit, wherein adjusted data bits are generated from AGC circuit operating on a received signal in (fig.3,#33,37). Hill patent does not specifically disclose an encryptor for encrypting a signal using random numbers. Smeets disclose encryptor for encrypting a signal using random numbers in (col.2,lines 48-52;col.4,lines 13-23). It would have been obvious to person of ordinary skill in the art at the time invention was made to encrypt signal using random numbers as taught in Smeets with communication system disclosed in Hill because encryption process provide security,since ciphered signal are much difficult for an authorized party to intercept and

access. Further, by encrypting its signal with random numbers, it further enhances signal security because random numbers provides another layer of protection that unpredictable number generation can be very difficult for hackers to guess and steal keys.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker(US 6,154,158) in view of Smeets(US 6,339,645).

Claim 7: Walker patent disclose a random number selector subsystem for generating random numbers from instantaneous variations of the DC offset component of the input signal, wherein variations are generated from DC Offset Correction Loop circuit operating on a received signal in (col.6, lines 44-65; col.13, lines 23-31). Walker does not specifically disclose an encryptor for encrypting a signal using random numbers. Smeets disclose encryptor for encrypting a signal using random numbers in (col.2, lines 48-52; col.4, lines 13-23). It would have been obvious to person of ordinary skill in the art at the time invention was made to encrypt signal using random numbers as taught in Smeets with communication system disclosed in Walker because encryption process provide security, since ciphered signal are much difficult for an authorized party to intercept and access. Further, by encrypting its signal with random numbers, it further enhances signal security because random numbers provides another layer of protection that unpredictable number generation can be very difficult for hackers to guess and steal keys.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider(US 5,781,541) in view of Smeets(US 6,339,645).

Claim 8: Schneider disclose a random number selector for generating random numbers from variations in the receive signal propagation delay over time, wherein a CDMA Time Tracking Loop circuit is operating to track variations in the receive signal propagation delay over time in (col.5, lines 17-37; col.8, lines 31-55; col.11, lines 28-36). Schneider does not

specifically disclose an encryptor for encrypting a signal using random numbers. Smeets disclose encryptor for encrypting a signal using random numbers in (col.2,lines 48-52;col.4,lines 13-23). It would have been obvious to person of ordinary skill in the art at the time invention was made to encrypt signal using random numbers as taught in Smeets with communication system disclosed in Schneider because encryption process provide security,since ciphered signal are much difficult for an authorized party to intercept and access. Further, by encrypting its signal with random numbers, it further enhances signal security because random numbers provides another layer of protection that unpredictable number generation can be very difficult for hackers to guess and steal keys.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Hill(US 4,658,436).

Claim 10: Hill disclose processing a received signal from a Receive Automatic Gain Control Circuit; adjusting data bits generated from automatic gain control circuit and extracting random data bits from automatic gain control circuit in (fig.3,#33,34,37,43-46).

6. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Schneider(US 5,781,541).

Claim 12: Schneider disclose processing a received signal from a Time Tracking Loop;generating random data bits from Time Tracking Loop and extracting random data bits from Time Tracking loop in (col.5,lines 17-37;col.8,lines 31-55;col.11,lines 28-36).

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Walker(US 6,154,158).

Claim 11: Walker disclose processing a received signal from a DC Offset Correction Loop;generating random data bits from DC Offset Correction loop and extracting random data bits from DC Offset Correction Loop in (col.6,lines 44-65;col.13,lines 23-31).

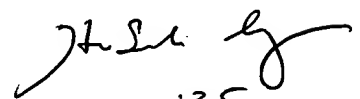
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri from 5:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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